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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/603,877	06/25/2003	Harold E. Mattice	29757/P-828	3010
4743	7590	04/16/2007	EXAMINER	
MARSHALL, GERSTEIN & BORUN LLP 233 S. WACKER DRIVE, SUITE 6300 SEARS TOWER CHICAGO, IL 60606			PANDYA, SUNIT	
		ART UNIT	PAPER NUMBER	3714
SHORTENED STATUTORY PERIOD OF RESPONSE	MAIL DATE	DELIVERY MODE		
3 MONTHS	04/16/2007	PAPER		

Please find below and/or attached an Office communication concerning this application or proceeding.

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

Office Action Summary	Application No.	Applicant(s)	
	10/603,877	MATTICE ET AL.	
	Examiner	Art Unit	
	Sunit Pandya	3714	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) Responsive to communication(s) filed on 08 March 2007.
 2a) This action is FINAL. 2b) This action is non-final.
 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) Claim(s) 1-26 is/are pending in the application.
 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
 5) Claim(s) _____ is/are allowed.
 6) Claim(s) 1-26 is/are rejected.
 7) Claim(s) _____ is/are objected to.
 8) Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) The specification is objected to by the Examiner.
 10) The drawing(s) filed on 25 June 2003 is/are: a) accepted or b) objected to by the Examiner.
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 a) All b) Some * c) None of:
 1. Certified copies of the priority documents have been received.
 2. Certified copies of the priority documents have been received in Application No. _____.
 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date <u>10/6/03</u> | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Oath/Declaration

1. Acknowledgement is made of applicant's Oath/Declaration meets standard required by 35 U.S.C 25 & 115

Information Disclosure Statement

2. The information disclosure statement (IDS) submitted on 10/6/2003 is acknowledged. The submission is in compliance with the provisions of 37 CFR 1.97 & 1.98. Accordingly, the examiner has considered the reference listed therein.

Specification

3. The abstract of the disclosure is objected to because the abstract provided by the applicant exceeds 150 words in length.

Applicant is reminded of the proper language and format for an abstract of the disclosure.

The abstract should be in narrative form and generally limited to a single paragraph on a separate sheet within the range of 50 to 150 words. It is important that the abstract not exceed 150 words in length since the space provided for the abstract on the computer tape used by the printer is limited. The form and legal phraseology often used in patent claims, such as "means" and "said," should be avoided. The abstract should describe the disclosure sufficiently to assist readers in deciding whether there is a need for consulting the full patent text for details.

The language should be clear and concise and should not repeat information given in the title. It should avoid using phrases which can be implied, such as, "The disclosure concerns," "The disclosure defined by this invention," "The disclosure describes," etc.

Correction is required. See MPEP § 608.01(b).

Election/Restrictions

4. Applicant's election with traverse of claims 15-24 in the reply filed on 3/8/2007 is acknowledged. The traversal is on the ground(s) that the applicant has amended the claims to overcome the restriction. This is found to persuasive because deleting the word "bonus" from claims 15-24, places the game in class 463 subclass 32, with the other claims, and therefore the restriction is withdrawn.

Claim Rejections - 35 USC § 112

5. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter, which the applicant regards as his invention.

Claims 1, 15, 18 and 25 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

The term "depth" in the mentioned claims is a relative term, which renders the claim indefinite. The term "depth" is not defined by the claim, the specification does not provide a standard for ascertaining the requisite degree, and one of ordinary skill in the art would not be reasonably apprised of the scope of the invention. The term "depth" could be perceived as either a change in perception from front to back or change in perception from side to side, as viewed by the player.

Claim Rejections - 35 USC § 102

6. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1-6, 9-10, 13-15 & 26 rejected under 35 U.S.C. 102(b) as being anticipated by Nakayama (JP 2001259172A).

Claims 1, 15 & 26: Nakayama discloses of a gaming machine such as a slot machine or a pachinko machine, wherein it is inherent for modern computerized electrical slot machines to include a value (i.e., wager) input, a controller operatively coupled to the display unit and the input device, wherein the controller is configured to receive wager data and cause the primary display to display the outcome of the game and determine payout depending on the game outcome (figure 38, 0001). Nakayama also discloses of a secondary display comprising a viewing window (figure 37, 38), and multiple objects, primary and secondary objects (element #3 is the primary object and element #10 is the secondary object), wherein a mirror is positioned posterior to the viewing window to reflect an image of one of the first or primary, object and the second or secondary object and to transmit an image of the objects, wherein the images of the primary or first object and the image of the second object are viewable through the viewing window (see figures 10-12, 27-30 wherein element #3 is the primary object and element #10 is the secondary object, wherein the elements 3 and 10 could be a LCD, a CRT, other decoration with lights or actual materials, where the actual material could be slot reels or any other slot machine component, also see 0015-0017).

Claims 2-4: Nakayama discloses secondary display further comprising a second controller (to control the second display device as said in the claim above, element 10), which would be independent of the first object. Wherein the second controller is configured to move the object repeatedly and bring it to stop position (where the object could be an image being displayed on the LCD or a CRT display such that the depth of the image, which is controlled by a processor, could change on the display screen and thus changing the relative depth of the object, figures 10-12, 27-30)

Claim 5: Nakayama discloses of object, which could be displayed on the LCD or a CRT display, wherein the LCD or CRT display could display changing numeric display viewable through the viewable window (figures 10-12).

Claim 6: Nakayama discloses of multiple controllers (as discussed above), wherein the controllers are capable of operatively being coupled to one another. Nakayama also teaches of a gaming machine such as a slot machine or a pachinko machine, wherein the gaming machine can be conventional game machine which would contain bonus game, and wherein the controller is configured to receive wager data and cause the primary display to display the outcome of the game and determine payout depending on the game outcome and determine if the game is in bonus setting and if so determine the payout of the bonus game (figure 38, 0001). Nakayama also discloses of the second controller being configured to move the objects repeatedly, if the game is in bonus setting or played in regular game play, and bring the said objects to stop position (figures 10-12, 27-30), Nakayama discloses of object, which could be displayed on the

LCD or a CRT display, wherein the LCD or CRT display could display changing numeric display viewable through the viewable window (figures 10-12).

Claims 9 & 10: Nakayama discloses secondary display further comprising a second controller (to control the second display device as said in the claim above, element 10), which would be independent of the first object. Wherein the second controller is configured to move the object (where the object could be displayed on the LCD or a CRT display such that the image, which is controlled by a processor, could change on the display screen and thus a perception of a moving object appears, wherein the object moving could be a shift from side to side or a spin, figures 10-12, 27-30 and 0015-0017).

Claim 13: Nakayama discloses gaming machine wherein the display comprises of atleast one mechanical reel (figure 37, element #21)

Claim 14: Nakayama discloses gaming machine wherein the display comprises of atleast one videos display (0018).

Claim Rejections - 35 USC § 103

7. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

Claims 7-8, 11-12, 16-25 are rejected under 35 U.S.C. 103(a) as being unpatentable over Nakayama as applied to claims 1-6 and 9-26 above, and further in view of Vancura (US Patent 6,033,307).

Claims 7, 16 & 19: Nakayama substantially teaches the invention as claimed, however fails to teach of an ending number that brings the bonus game to an end.

Vancura teaches of an end game symbol (wherein the symbol could be a combination of numbers), which when appears on the reel will result in the end of the bonus round (col. 3: 27-45). It would have been obvious to one with ordinary skill in the art at the time of the invention to modify the game taught by Nakayama to implement a bonus game ending feature to lengthen the bonus game play to increase player profit (col. 1: 48-51).

Claims 8, 12, 17-18 & 20-24: Nakayama teaches of multiple controllers (as discussed above), wherein the controllers are capable of operatively being coupled to one another, wherein the controllers is capable of changing the numbers on the said LCD, or CRT display screen, however Nakayama fails to teach of an ending number that brings the bonus game to an end.

Vancura teaches of an end game symbol (wherein the symbol could be a combination of numbers), which when appears on the reel will result in the end of the bonus round (col. 3: 27-45). It would have been obvious to one with ordinary skill in the art at the time of the invention to modify the game taught by Nakayama to implement a bonus game ending feature to lengthen the bonus game play to increase player profit (col. 1: 48-51).

Claims 11 & 25: Nakayama teaches of multiple controllers (as discussed above), wherein the controllers are capable of operatively being coupled to one another. Nakayama also teaches of a gaming machine such as a slot machine or a pachinko machine, wherein the gaming machine can be conventional game machine which would contain bonus game, and wherein the controller is configured to receive wager data and cause the primary display to display the outcome of the game and determine payout depending on the game outcome and determine if the game is in bonus setting and if so determine the payout of the bonus game (figure 38, 0001). Nakayama teaches of the second controller being configured to move the objects repeatedly, if the game is in bonus setting or played in regular game play, and bring the said objects to stop position (figures 10-12, 27-30), Nakayama teaches of object, which could be displayed on the LCD or a CRT display, wherein the LCD or CRT display could display changing numeric display viewable through the viewable window (figures 10-12). Nakayama also teaches secondary display further comprising a second controller (to control the second display device as said in the claim above, element 10), which would be independent of the first object. Wherein the second controller is configured to move the object (where the object could be displayed on the LCD or a CRT display such that the image, which is controlled by a processor, could change on the display screen and thus a perception of a moving object appears, wherein the object moving could be a shift from side to side or a spin, figures 10-12, 27-30 and 0015-0017). However Nakayama fails to teach of an ending number that brings the bonus game to an end.

Vancura teaches of an end game symbol (wherein the symbol could be a combination of numbers), which when appears on the reel will result in the end of the bonus round (col. 3: 27-45). It would have been obvious to one with ordinary skill in the art at the time of the invention to modify the game taught by Nakayama to implement a bonus game ending feature to lengthen the bonus game play to increase player profit (col. 1: 48-51).

Conclusion

8. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. See attached Notice of References Cited page.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Sunit Pandya whose telephone number is 571-272-2823. The examiner can normally be reached on 8 am - 5:30 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Robert Pezzuto can be reached on 571-272-6996. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

SP



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